44 under 35 U.S.C. § 102(b) as being anticipated by *Masters* (United States Patent Application Number: 2002/0006602). Further still, the Patent Office rejected Claims 3 and 28 under 35 U.S.C. §103(a) as being unpatenable over *Masters* in view of *Blanchard et al.* (United States Patent Application Number. 2002/0089513). Additionally, the Patent Office rejected Claims 6-13. 15, 15, 31-38 and 40-41 under 35 U S.C. §103(a) as being unpatentable over *Masters* in view of *Gordon.* (United States Patent Application Number: 2002/0099725). The Patent Office then rejected Claims 5, 17-18, and 30 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Lambertsen* (United States Patent Application Number: 2002/0024528). The Patent Office further rejected Claims 14 and 39 under 35 U.S.C §103(a) as being unpatentable over *Masters* in view of *Nardozzi et al.* (United States Patent Number: 6,636,837). Finally, the Patent Office rejected Claims 23-26 under 35 U.S.C. §103(a) as being unpatentable over *Masters*.

By the present amendment, Applicant submits that this response along with the amendments overcome the objections and rejections to the claims by the Patent Office. More specifically, the applicant has amended the drawings and submitted them herewith as replacement drawings. Additionally, the applicant has amended Claims 1, 20, 22 and 43. Applicant submits that the amendment to the claims overcomes the objections and rejections to the claims by the Patent Office. Notice to that effect is requested.

In the present Office Action, the Patent Office rejected Claims 1-2, 4, 19-25, 27, 29, 42, 43 and 44 under 35 U.S.C. § 102(b) as being anticipated by *Masters*. More specifically, the Patent Office states that Masters teaches providing a room setting user interface comprising a plurality of available room settings; obtaining a selected room setting from the user via the room setting user interface; providing a product user interface comprising a plurality of available products; obtaining a selected product form the user via the product user interface; providing a color user interface comprising a plurality of available colors for the selected product; obtaining a selected color from the user via the color user interface; and displaying a visualization of the selected product in the selected color in the selected room setting. Moreover, the Patent Office states that *Masters* teaches the color user interface comprises a color wheel displaying the selected color and a plurality of colors related to the selected color. Additionally, the Patent Office states that *Masters* teaches the color user interface highlights colors that have matching products; and computer implemented method is

implemented on a server that can be remotely accessed by the user over a network. The Patent Office further asserts that *Masters* teaches the network is the internet and that the method further comprises ordering the selected product in the selected color.

Masters teaches a computerized system for providing interior design by allowing a homeowner to enter interior design requirements and selecting interior design treatments according to the homeowner's design requirements so that a grouping of compatible interior design treatments is provided for the homeowner to be used in decorating the homeowner's home.

Masters utilizes a computerized system for interior design functions wherein the system includes a computer processor, a computer readable medium in electronic communication with the processor, a database in electronic communication with the processor containing data representing individual interior design treatments selectable by selection criteria, an input device in communication with the processor for inputting a homeowner's design requirements, an output device in communication with the processor for providing output to the homeowner, and a set of computer readable instructions embodied within the computer readable medium controlling the processor for receiving the design requirements from the input device.

Amended Claim 1 requires a computer implemented method for allowing a user to visualize differing types of window coverings within a room setting. The method comprises the steps of providing a room setting user interface comprising a plurality of available room settings; obtaining a selected room setting from the user via the room setting user interface; providing a product user interface comprising a plurality of available products; obtaining a selected product from the user via the product user interface; providing a color user interface comprising a plurality of available colors for the selected product wherein the plurality of colors includes variations of the selected color; obtaining a selected color from the user via the color user interface; and displaying a visualization of the selected product in the selected color in the selected room setting.

However, *Masters* does not teach or suggest a computer implemented method for allowing a user to visualize differing types of window coverings within a room setting at all. On the contrary, *Masters* only teaches the general setting of the room. Moreover, *Masters* does not teach or suggest a computer implemented method for allowing a user to visualize differing types of home decor

products within a room setting wherein the user is provided a color user interface that includes a plurality of color variations of the selected color as required by Claims 1 and 22 of the present invention Additionally, *Masters* does not teach or suggest the computer implemented method for allowing a user to visualize differing types of home decor products within a room setting wherein the method allows the user to obtain a selected room setting from the user via the room setting user interface wherein the selected room comprises pre-set examples of the room and user input of actual room as required by Claim 22 of the present invention

Under 35 U.S.C. §102(b), anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U S International Trade Commission,* 808 F.2d 1471, 1479, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986).

Moreover, anticipation is not shown even if the differences between the claims and the reference are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co* , 749 F.2d. 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co of California,* 814 F.2d 628, 631 (MPEP § 2131).

In view of the foregoing remarks and amendments, the rejection of Claims 1-2, 4, 19-25, 27, 29, 42, 43, 44 under 35 U.S.C. §102(b) as being anticipated by *Masters* has been overcome and should be withdrawn. Notice to that effect is requested.

As to the rejection of Claims 3 and 28 under 35 U.S.C. §103(a) as being unpatentable over *Masters in view of Blanchard et al.*, Applicant respectfully asserts that the claim is further believed allowable over *Masters and Blanchard et al.* for the same reasons set forth with respect to independent Claims 1 and 22, since the claim sets forth additional novel elements of Applicant's Method of Visualizing differing types of window coverings within a room setting. Moreover, Applicant respectfully asserts that the amendment to Claims 1 and 22 further distinguish the present invention from the prior art reference.

Again, *Masters* teaches a computerized system for providing interior design by allowing a homeowner to enter interior design requirements and selecting interior design treatments according

to the homeowner's design requirements so that a grouping of compatible interior design treatments is provided for the homeowner to be used in decorating the homeowner's home.

Masters utilizes a computerized system for interior design functions wherein the system includes a computer processor, a computer readable medium in electronic communication with the processor, a database in electronic communication with the processor containing data representing individual interior design treatments selectable by selection criteria, an input device in communication with the processor for inputting a homeowner's design requirements, an output device in communication with the processor for providing output to the homeowner, and a set of computer readable instructions embodied within the computer readable medium controlling the processor for receiving the design requirements from the input device.

Blanchard teaches a system and method for calculating harmonizing colors based on a reference color. In a first embodiment, the invention includes (a) defining a reference color in a uniform color space, (b) converting the hue of the reference color from the uniform color space to an artists color wheel, (c) determining harmonizing colors for the reference color within the artists color wheel, (d) converting the hues of the harmonizing colors from the artists color wheel to the uniform color space, and (e) displaying the harmonizing color information. In a second embodiment, a brown region is defined for colors having red/orange/yellow hues and low chroma values. Additional harmonizing colors are determined when either the reference color or one of the harmonizing colors falls within the brown region.

However, *Blanchard* has no relation whatsoever with the computerized system described in *Masters* and/or the present invention. There is no correlation and a person of ordinary skill in the art would not have been motivated to combine *Blanchard* and *Masters* to come up with the applicant's invention

The Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to combine *Masters* and *Blanchard* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claims 3 and 28 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988)

In view of the foregoing remarks and amendments, the rejection of Claim 2 under 35 U.S.C §103(a) as being unpatentable over *Reeley* has been overcome and should be withdrawn. Notice to that effect is requested.

As to the rejection of Claims 6-13, 15, 16, 31-38 and 40-41 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Gordon*. Applicant respectfully asserts that the claim is further believed allowable over *Masters* and *Gordon* for the same reasons set forth with respect to independent Claims 1 and 22, since the claim sets forth additional novel elements of Applicant's Method of Visualizing differing types of window coverings within a room setting. Moreover, Applicant respectfully asserts that the amendment to Claims 1 and 22 further distinguish the present invention from the prior art reference.

Gordon teaches a system for managing a development project for a customer that includes at least one database having data, and allows the customer to select at least one selected product from at least one of the databases, and provides for viewing at least one selected product. The system allows customer to manage a project through a website and determine how various changes to the project

will affect cost, time and other variables The system can also allow customer to collaborate on a development project with installers, architects and other workers. The system allows customer to match a product to particular requirements. A kiosk system allows customer to view various products within the store, make selections through the kiosk and, potentially, match product to a particular requirement.

The Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to combine *Masters* and *Gordon* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claims 6-16, 15-16, 31-38 and 40-41 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

As to the rejection of Claims 5, 17-18, and 30 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Lambertsen*, Applicant respectfully asserts that the claim is further believed allowable over *Masters* and *Lambertsen* for the same reasons set forth with respect to independent Claims 1 and 22, since the claim sets forth additional novel elements of Applicant's Method of Visualizing differing types of window coverings within a room setting. Moreover, Applicant respectfully asserts that the amendment to Claims 1 and 22 further distinguish the present invention from the prior art reference.

Lambertsen teaches a virtual makeover system and method are disclosed which allows users to apply beauty products to a personal photographic image, thereby creating a digitally enhanced image. The system includes a product catalog, a palette database, and an image database, all of which may be accessed by a user via a communications network or stored on the hard drive of a user's computer. Users can upload digital photographs of themselves or others, or can retrieve an image from the image database, and outline various features in the photograph. The user may apply selected beauty products available in the product catalog to the various features.

The Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to combine *Masters* and *Lambertsen* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of

Claims 5, 17-18, and 30 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

Finally, the Patent Office rejected Claims 14 and 39 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Nardozzi et al.* Applicant respectfully asserts that the claim is further believed allowable over *Masters* and *Nardozzi et al.* for the same reasons set forth with respect to independent Claims 1 and 22, since the claim sets forth additional novel elements of Applicant's Method of Visualizing differing types of window coverings within a room setting. Moreover, Applicant respectfully asserts that the amendment to Claims 1 and 22 further distinguish the present invention from the prior art reference.

Nardozzi et al. discloses a method, system and apparatus for displaying photofinishing goods and/or services that are being offered for sale. An apparatus is provided which includes a display device for displaying photofinishing goods and/or services that are being offered for sale and a computer for controlling what is displayed on the display device. A computer software program is also provide for programming the computer so that a plurality of the photofinishing goods and/or services will be displayed on the display device and for program monitoring the sales the photofinishing goods. The system allows for the remote reprogramming of the computer for modifying and or re-arranging the position of the photofinishing goods and/or services on the display device.

However, *Nardozzi et al.* has not relation to the present invention. It is un-analogous art. Further the Patent Office has provided no teaching as to why one having ordinary skill in the art would have been led to combine *Masters* and *Nardozzi et al.* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claims 14 and 39 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp v Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988)

In view of the foregoing remarks and amendments, the rejection of Claims 14 and 39 under 35 U.S.C. §103(a) as being unpatentable over *Masters in view of Nardozzi et al.* has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-21 depend from Claim 1, and Claims 23-44 depend from Claim 22. These claims are further believed allowable for the same reasons set forth with respect to independent Claims 1 and 22 since each sets forth additional novel components and steps of Applicant's Method for visualizing differing types of window coverings within a room setting.

Request For Allowance

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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